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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): J. KOSAKA, et al
Serial No.: 10/726,504
Filed: December 4, 2003
For: OPTICAL AMPLIFIER
Group: 3663
Examiner: N. Moskowitz

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Hitachi, Ltd., a corporation under the laws of Japan, located at 6, Kanda Surugadai 4-chome, Chiyoda-ku, Tokyo, Japan, is the sole owner of the entire interest in and to U.S. Application Serial No. 10/726,504, filed December 4, 2003, for OPTICAL AMPLIFIER, which is a continuation of U.S. application Serial No. 10/288,439, filed December 30, 2003, now U.S. Patent No. 6,671,084, which is a continuation of U.S. application Serial No. 09/847,440, filed May 3, 2001, now U.S. Patent No. 6,483,630, which is a continuation of U.S. application Serial No. 09/500,241, filed February 7, 2000, now U.S. Patent No. 6,229,641, which is a continuation of U.S. application Serial No. 09/210,543, filed December 14, 1998, now U.S. Patent No. 6,038,062, which is a continuation of parent application U.S. application Serial No. 08/721,734, filed September 27, 1996, now U.S. Patent No. 5,864,423 by virtue of an Assignment recorded in the U.S. Patent and Trademark Office on September 27, 1996, under Reel 8448, Frame 0234, in connection with

application Serial No. 08/721,734, filed September 27, 1996, now U.S. Patent No. 5,864,423.

Hitachi, Ltd., hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of U.S. Patent No. 6,038,062, issued March 14, 2000 and U.S. Patent No. 5,864,423, issued January 26, 1999, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such time that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,038,062 and 5,864,423 this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.


In making the above disclaimer, Hitachi, Ltd. does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Nos. 6,038,062 and 5,864,423 in the event that U.S. Patent Nos. 6,038,062 and 5,864,423 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term, as presently shortened by any terminal disclaimer.

The undersigned, (Melvin Kraus, the attorney of record), is empowered to act on behalf of the assignee, i.e. Hitachi, Ltd. for execution and submission of this Terminal Disclaimer. Further, on behalf of the assignee, the evidentiary document

has been reviewed and it is certified that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take action.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: August 11, 2004



Melvin Kraus
Registration No. 22,466
Attorney of Record

ANTONELLI, TERRY STOUT & KRAUS, LLP
Suite 1800
1300 North Seventeenth Street
Arlington, VA 22209
(703) 312-6600